

HOUSE BILL 885

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to the Anti-Semitism Awareness Act.

WHEREAS, Title VI of the Civil Rights Act of 1964 (referred to in the section as "title VI")  
is one of the principal antidiscrimination statutes enforced by the federal Department of  
Education's Office for Civil Rights; and

WHEREAS, Title VI prohibits discrimination on the basis of race, color, or national origin;  
and

WHEREAS, both the Department of Justice and the federal Department of Education  
have properly concluded that title VI prohibits discrimination against Jews, Muslims, Sikhs, and  
members of other religious groups when the discrimination is based on the group's actual or  
perceived shared ancestry or ethnic characteristics or when the discrimination is based on  
actual or perceived citizenship or residence in a country whose residents share a dominant  
religion or a distinct religious identity; and

WHEREAS, Anti-Semitism remains a persistent, disturbing problem in elementary and  
secondary schools and on college campuses; and

WHEREAS, Jewish students are being threatened, harassed, or intimidated in their  
schools (including on their campuses) on the basis of their shared ancestry or ethnic  
characteristics including through harassing conduct that creates a hostile environment so  
severe, pervasive, or persistent so as to interfere with or limit some students' ability to  
participate in or benefit from the services, activities, or opportunities offered by schools; and

WHEREAS, awareness of the federal definition of anti-Semitism will increase  
understanding of the parameters of contemporary anti-Jewish conduct and will assist the

Tennessee Department of Education in determining whether an investigation of anti-Semitism under title VI is warranted; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following language as a new section:

(a) As used in this section, "anti-Semitism":

(1) Means a certain perception of Jews, which may be expressed as hatred toward Jews; and

(2) Includes:

(A) Rhetorical and physical manifestations of anti-Semitism as directed toward Jewish or non-Jewish individuals or property, Jewish community institutions, and Jewish religious facilities;

(B) Calling for, aiding, or justifying the killing or harming of Jews;

(C) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions;

(D) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews; or

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

(b) In reviewing, investigating, or deciding whether there has been a violation of the Civil Rights Act of 1964, Title VI (42 U.S.C. § 2000d) on the basis of race, color, or national origin, based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, the department of

education shall take into consideration the definition of anti-Semitism as part of the department's assessment of whether the alleged practice was motivated by anti-Semitic intent.

(c) The definition of anti-Semitism shall be set forth by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state in the Fact Sheet issued on June 8, 2010, as adapted from the working definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia, now known as the European Union Agency for Fundamental Rights, and includes the examples set forth under the headings "Contemporary Examples of Anti-Semitism" and "What is Anti-Semitism Relative to Israel?" of the fact sheet.

(d) Nothing in the act diminishes or infringes upon any right protected under Article I, § 3 of the Constitution of Tennessee and the first amendment to the United States Constitution.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "anti-Semitism":

(1) Means a certain perception of Jews, which may be expressed as hatred toward Jews; and

(2) Includes:

(A) Rhetorical and physical manifestations of anti-Semitism as directed toward Jewish or non-Jewish individuals or property, Jewish community institutions, and Jewish religious facilities;

(B) Calling for, aiding, or justifying the killing or harming of Jews;

(C) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a

collective—especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions;

(D) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews; or

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

(b) In reviewing, investigating, or deciding whether there has been a violation of the Civil Rights Act of 1964, Title VI (42 U.S.C. § 2000d) on the basis of race, color, or national origin, based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, the institution of higher education shall take into consideration the definition of anti-Semitism as part of the department's assessment of whether the alleged practice was motivated by anti-Semitic intent.

(c) The definition of anti-Semitism shall be set forth by the Special Envoy to Monitor and Combat Anti-Semitism of the federal department of state in the Fact Sheet issued on June 8, 2010, as adapted from the working definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia, now known as the European Union Agency for Fundamental Rights, and includes the examples set forth under the headings "Contemporary Examples of Anti-Semitism" and "What is Anti-Semitism Relative to Israel?" of the fact sheet.

(d) Nothing in the act diminishes or infringes upon any right protected under Article I, § 3 of the Constitution of Tennessee and the first amendment to the United States Constitution.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.